

Docket No.: 00-0393
Meeting Date: 11-06-01
Deadline: 11-06-01

MEMORANDUM

TO: The Commission

FROM: Donald L. Woods, Administrative Law Judge

DATE: November 1, 2001

SUBJECT: Illinois Bell Telephone Company

Proposed Implementation of High Frequency Portion of Loop (HFPL)/Line Sharing Service. (Tariffs filed April 21, 2000)

RECOMMENDATION: **Grant Rehearing in Part, Deny in Part**

As you may recall, the Commission entered an Amendatory Order in this docket largely conforming the Appendix (which is the tariff detailing the end-to-end unbundled HFPL UNE ordered by the Commission) to the Order as modified by the Commission at the September 26th Bench Session. At that time it was anticipated that Ameritech would be filing additional pleadings requesting further modifications. On October 17, 2001, Ameritech filed a pleading styled as an Application for Clarification and Rehearing. A schedule was set for the filing of responses and replies. On October 29th Staff filed a response and the joint CLECs filed a response and motion to strike. On October 30th, Staff filed a response opposing the motion to strike. On October 31st, Ameritech filed a reply. A ruling denying the motion to strike was served November 1st. Based upon my review of the pleadings, it is my recommendation that the Commission grant limited rehearing on the following sections of the tariff (the first four of which are largely agreed upon):

- Section 2.9 – the definition of NGDLC (AI Appl. at 5);
- Section 4.1 – references to “unbundled loop element” (AI Appl. at 5);
- Section 4.3 – language regarding means of access to the Broadband “UNE” (AI Appl. at 6);
- Sections 3.4 and several others – references to DS1 OCD port, including full deletion of Sections 8.11 and 14.6.3 regarding providing a DS3 OCD port at a DS1 price (AI Appl. at 6-9);

- Section 16.2 relating to audit requirements and Section 16.3 relating to access to back office systems and data bases.

I also recommend taking evidence on two additional issues. The first issue involves the advisability and legality of requiring Ameritech to tariff prices based upon Staff witness Koch's proposals, given the fact that there was general agreement that pricing issues would be deferred. The second issue relates to Ameritech's proposed use of a Special Request Process for ordering new line cards, as opposed to the blanket thirty-day requirement for installation now contained in the tariff.

DLW/lw